

LILLIAN RAY
2417 Barnesley Place
Windsor Mill, Maryland 21244

Plaintiff

v.

SINAI HOSPITAL OF BALTIMORE, INC.
2401 West Belvedere Avenue
Baltimore, Maryland 21215

Serve On: Resident Agent:
Joel I. Suldan
2401 West Belvedere Avenue
Baltimore, Maryland 21215

and

JULIE M. JACOBSTEIN, M.D.
2435 West Belvedere Avenue, Suite 33
Baltimore, Maryland 21215

Defendants

* IN THE
* CIRCUIT COURT
* FOR
* BALTIMORE CITY
* Case No.: _____

Case: 24-C-13-00000
CV File New
\$80.00
APPEAL Fee
\$20.00
HLSC
\$05.00
TOTAL \$105.00

COMMENT:
RAY vs. SINAI HOSPITAL

* * * * *
COMPLAINT AND DEMAND FOR A JURY TRIAL

RECEIVED #2013000097097
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04/12/13 2:53PM

Plaintiff, Lillian Ray, by her attorneys, Robert J. Weltchek, Kristopher A. Mallahan, Nolan J. Weltchek, Nathan W. Hopkins, and Weltchek Mallahan & Weltchek, LLC, hereby sues the Defendants, Sinai Hospital of Baltimore, Inc., and Julie M. Jacobstein, M.D. (the "Defendants"), and for her cause of action states as follows:

PARTIES AND JURISDICTION

1. At all times material to this case, the Plaintiff, Lillian Ray ("Ms. Ray"), has been a citizen and resident of Baltimore County, Maryland.
2. At all times material to this case, the Defendant, Sinai Hospital of Baltimore, Inc., ("Sinai"), has been a Maryland corporation engaged in the administration, staffing,

supervision, and operation of a medical center in Baltimore City, Maryland, acting through its actual and/or apparent agents, servants, and/or employees including, but not limited to, Julie M. Jacobstein, M.D., Benjamin A. Solomon, M.D., Khadija Dugan, M.D., and Nina Hinting, M.D.

3. At all times material to this case, the Defendant, Julie M. Jacobstein, M.D. ("Dr. Jacobstein"), was a physician engaged in the practice of medicine, with a Board Certification in Obstetrics and Gynecology, licensed in the State of Maryland, practicing in Baltimore City, Maryland. Dr. Jacobstein's address, as listed with the Maryland Board of Physicians, is in Baltimore City. Plaintiff contends that at all times relevant to this case, Defendant Julie M. Jacobstein, M.D., was an agent, servant, and/or employee of Defendant Sinai Hospital of Baltimore, Inc., and was acting within the scope of her duty at the time of the alleged negligence.

4. The amount of this claim for damages due to medical malpractice is in excess of Thirty Thousand Dollars (\$30,000.00).

5. Venue is proper in Baltimore City, Maryland.

6. This case was originally filed in the Health Care Alternative Dispute Resolution Office of Maryland, and subsequently transferred to this Court as evidenced by the attached Order of Transfer.

FACTS COMMON TO ALL COUNTS

7. On May 17, 2011, Lillian Ray, then 48-years-old, underwent an exploratory laparotomy with total abdominal hysterectomy (TAH) performed at Sinai by Julia Jacobstein, M.D., who was assisted by Benjamin A. Solomon, M.D., Khadija Dugan, M.D., and Nina Hinting, M.D. The right ureter of Ms. Ray was completely transected during the surgery. Dr. Jacobstein performed a cystoscopy "with efflux of dye seen from the left but

not the right ureteral orifice," as noted in the operative report. Dr. Jacobstein continued, "A stent was instead placed up the right ureter without any resistance instead." The surgery concluded with no further investigation or treatment of Ms. Ray's ureteral injury.

8. Following the surgery, Ms. Ray experienced severe abdominal pain, incontinence, and copious vaginal discharge. Admitted to Sinai on May 26, 2011, Ms. Ray was diagnosed with right hydronephrosis. On May 27, 2011, interventional radiology attempted placement of a right double-J stent under fluoroscopic guidance, which was "aborted due to obstruction of the distal 1/3 of the ureter, with right moderate-size urinoma identified demonstrating no clearcut communication with the distal 1/3 of the ureter and the bladder." Interventional radiology placed a nephrostomy tube to drain Ms. Ray's right kidney. Ms. Ray was discharged on June 4, 2011.

9. On June 19, 2011, Ms. Ray came to the emergency room at Sinai with severe right flank pain rating a "14" on a scale of 1 to 10. Diagnosed with right hydronephrosis, urinary tract infection, and pyelonephritis, Ms. Ray underwent another interventional radiology procedure to exchange the nephrostomy tube. Ms. Ray was discharged on June 22, 2011.

10. On July 1, 2011, David Gordon, M.D., Ms. Ray's treating urologist, performed a cystoscopy, which "revealed the right ureter cut-off just above the intramural portion." Dr. Gordon indicated that fluoroscopic measurements suggested approximately a 1- to 2-cm defect.

11. As a direct and proximate result of the failure of the Defendants to properly diagnose and treat the ureteral transection, Ms. Ray continues to experience tremendous pain and suffering, including recurrent infections. Further, Ms. Ray has endured numerous

additional procedures and/or surgeries. Finally, the injuries caused by the deviation in the standards of care by the Defendants have rendered Ms. Ray disabled and unable to work.

COUNT I
(Medical Malpractice)

Plaintiff, Ms. Ray, hereby sues the Defendants and for her cause of action states:

12. Ms. Ray incorporates all the allegations contained in the above paragraphs as if those allegations are set forth in this Count.

13. The Defendants, individually and through their actual and or apparent agents, servants, and/or employees, owed Ms. Ray a duty to exercise reasonable care in their care, treatment, evaluation, and diagnosis of her condition.

14. The Defendants, individually and through their actual and/or apparent agents, servants, and/or employees, breached the above-described duty of care, thereby deviating from the applicable standards of care, and were otherwise negligent, careless, and reckless in that they, among other things:

- a. failed to properly diagnose and treat Ms. Ray's transected ureter; and
- b. failed to properly evaluate, interpret, and act on the results of the intraoperative cystoscopy performed on July 17, 2011.

15. As a direct and proximate result of the above-described deviations from the applicable standards of care and breaches of duty by the Defendants, Ms. Ray has been caused to sustain serious, painful, and permanent injuries to her body, resulting in great physical and mental pain and suffering.

16. As a further direct and proximate result of the above-described deviations from the applicable standards of care and breaches of duty by the Defendants, Ms. Ray, among

other things, has been forced to undergo repeated procedures and/or operations and/or other care and treatment.

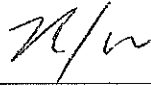
17. As a further direct and proximate result of the above-described deviations from the applicable standards of care and breaches of duty by the Defendants, Ms. Ray has been and will continue to be obliged to expend enormous sums of money for medical, hospital, and other care and treatment; has been and will continue to be prevented from working due to treatment and debilitation resulting in economic damages; and has been and will continue to be precluded from engaging in her normal and usual pursuits and activities, among other injuries and damages.

18. As a further direct and proximate result of the above-described deviations from the applicable standards of care and breaches of duty by the Defendants, Ms. Ray has and will suffer the overwhelming emotional pain, suffering and fear of an untimely, early death.

19. Had the Defendants followed the appropriate and applicable standards of care, Ms. Ray would not have suffered the above-identified injuries and damages.

20. The injuries and damages herein complained of were directly and proximately caused by the negligence of the Defendants, with no negligence on the part of Ms. Ray contributing thereto.

WHEREFORE, Ms. Ray requests that a judgment be entered against the Defendants for compensatory damages in excess of Thirty Thousand Dollars (\$30,000.00).



ROBERT J. WELTCHEK
KRISTOPHER A. MALLAHAN
NOLAN J. WELTCHEK
NATHAN W. HOPKINS
Weltchek Mallahan & Weltchek, LLC
2330 West Joppa Road, Suite 203
Lutherville, Maryland 21093
410-825-5287

Attorneys for the Plaintiff

DEMAND FOR A JURY TRIAL

Plaintiff requests that the claims in this case be tried by a jury.



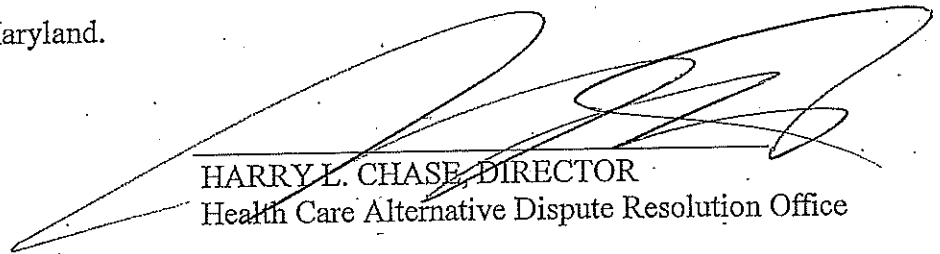
NATHAN W. HOPKINS

LILLIAN RAY	*	BEFORE THE
	*	
Claimant	*	HEALTH CARE
	*	
vs.	*	ALTERNATIVE DISPUTE
	*	
SINAI HOSPITAL OF BALTIMORE, INC.	*	RESOLUTION OFFICE
<i>et al.</i>	*	
	*	
Health Care Providers	*	HCA No.: 2013-123
	*	
	*	

ORDER OF TRANSFER

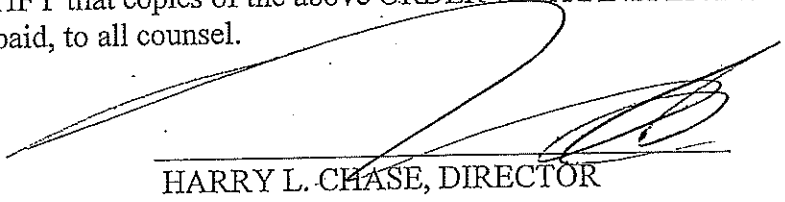
The Claimant, having elected a Waiver of Arbitration under the provisions of Annotated Code of Maryland, Courts and Judicial Proceedings Art., § 3-2A-06B, it is this 17th day of April, 2013, by the Health Care Alternative Dispute Resolution Office,

ORDERED, that this case shall be and is hereby, transferred to the Circuit Court for Baltimore City, Maryland.


 HARRY L. CHASE, DIRECTOR
 Health Care Alternative Dispute Resolution Office

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that copies of the above ORDER OF TRANSFER have been mailed, postage prepaid, to all counsel.


 HARRY L. CHASE, DIRECTOR

2013 APR 11 AM 11:49
CIVIL

Circuit Court for Baltimore City

City or County

CIVIL - NON-DOMESTIC CASE INFORMATION REPORT

DIRECTIONS:

Plaintiff: This Information Report must be completed and attached to the complaint filed with the Clerk of Court unless your case is exempted from the requirement by the Chief Judge of the Court of Appeals pursuant to Rule 2-111(a). A copy must be included for each defendant to be served.

Defendant: You must file an Information Report as required by Rule 2-323(h).

THIS INFORMATION REPORT CANNOT BE ACCEPTED AS AN ANSWER OR RESPONSE.

FORM FILED BY: PLAINTIFF DEFENDANT CASE NUMBER _____ (Clerk to insert)

CASE NAME: Lillian Ray vs. Sinai Hospital of Baltimore, Inc., et al.
Plaintiff Defendant

JURY DEMAND: Yes No Anticipated length of trial: _____ hours or 10 days

RELATED CASE PENDING? Yes No If yes, Case #(s), if known: _____

Special Requirements? Interpreter (Please attach Form CC-DC 41)
 ADA accommodation (Please attach Form CC-DC 49)

NATURE OF ACTION (CHECK ONE BOX)

DAMAGES/RELIEF

TORTS	LABOR	A. TORTS	
<input type="checkbox"/> Motor Tort <input type="checkbox"/> Premises Liability <input type="checkbox"/> Assault & Battery <input type="checkbox"/> Product Liability <input checked="" type="checkbox"/> Professional Malpractice <input type="checkbox"/> Wrongful Death <input type="checkbox"/> Business & Commercial <input type="checkbox"/> Libel & Slander <input type="checkbox"/> False Arrest/Imprisonment <input type="checkbox"/> Nuisance <input type="checkbox"/> Toxic Torts <input type="checkbox"/> Fraud <input type="checkbox"/> Malicious Prosecution <input type="checkbox"/> Lead Paint <input type="checkbox"/> Asbestos <input type="checkbox"/> Other _____	<input type="checkbox"/> Workers' Comp. <input type="checkbox"/> Wrongful Discharge <input type="checkbox"/> EEO <input type="checkbox"/> Other _____ <hr/> <input type="checkbox"/> Insurance <input type="checkbox"/> Confessed Judgment <input type="checkbox"/> Other _____ <hr/> <input type="checkbox"/> Judicial Sale <input type="checkbox"/> Condemnation <input type="checkbox"/> Landlord Tenant <input type="checkbox"/> Other _____ <hr/> <input type="checkbox"/> Civil Rights <input type="checkbox"/> Environmental <input type="checkbox"/> ADA <input type="checkbox"/> Other _____	Actual Damages <input type="checkbox"/> Under \$7,500 <input type="checkbox"/> \$7,500 - \$50,000 <input type="checkbox"/> \$50,000 - \$100,000 <input checked="" type="checkbox"/> Over \$100,000	<input type="checkbox"/> Medical Bills \$ _____ <input type="checkbox"/> Property Damages \$ _____ <input type="checkbox"/> Wage Loss \$ _____
		B. CONTRACTS	C. NONMONETARY
		<input type="checkbox"/> Under \$10,000 <input type="checkbox"/> \$10,000 - \$20,000 <input type="checkbox"/> Over \$20,000	<input type="checkbox"/> Declaratory Judgment <input type="checkbox"/> Injunction <input type="checkbox"/> Other _____

ALTERNATIVE DISPUTE RESOLUTION INFORMATION

Is this case appropriate for referral to an ADR process under Md. Rule 17-101? (Check all that apply)

A. Mediation Yes No
 B. Arbitration Yes No
 C. Settlement Conference Yes No
 D. Neutral Evaluation Yes No

TRACK REQUEST

With the exception of Baltimore County and Baltimore City, please fill in the estimated LENGTH OF TRIAL. THIS CASE WILL THEN BE TRACKED ACCORDINGLY.

1/2 day of trial or less
 1 day of trial time
 2 days of trial time
 3 days of trial time
 More than 3 days of trial time

PLEASE SEE PAGE TWO OF THIS FORM FOR INSTRUCTIONS PERTAINING TO THE BUSINESS AND TECHNOLOGY CASE MANAGEMENT PROGRAM AND COMPLEX SCIENCE AND/OR MEDICAL CASE MANAGEMENT PROGRAM (ASTAR), AS WELL AS ADDITIONAL INSTRUCTIONS IF YOU ARE FILING YOUR COMPLAINT IN BALTIMORE CITY, PRINCE GEORGE'S COUNTY, OR BALTIMORE COUNTY.

Date 4/12/13 Signature [Signature]

BUSINESS AND TECHNOLOGY CASE MANAGEMENT PROGRAM

For all jurisdictions, if Business and Technology track designation under Md. Rule 16-205 is requested, attach a duplicate copy of complaint and check one of the tracks below.

Expedited
Trial within 7 months
of Filing

Standard
Trial within 18 months
of Filing

EMERGENCY RELIEF REQUESTED _____

Signature

Date

**COMPLEX SCIENCE AND/OR MEDICAL CASE
MANAGEMENT PROGRAM (ASTAR)**

*FOR PURPOSES OF POSSIBLE SPECIAL ASSIGNMENT TO AN ASTAR RESOURCE JUDGE under Md. Rule 16-202.
Please check the applicable box below and attach a duplicate copy of your complaint.*

Expedited - Trial within 7 months of Filing

Standard - Trial within 18 months of Filing

IF YOU ARE FILING YOUR COMPLAINT IN BALTIMORE CITY, PRINCE GEORGE'S COUNTY, OR BALTIMORE COUNTY PLEASE FILL OUT THE APPROPRIATE BOX BELOW.

CIRCUIT COURT FOR BALTIMORE CITY (CHECK ONLY ONE)

- Expedited Trial 60 to 120 days from notice. Non-jury matters.
- Standard-Short Trial 210 days.
- Standard Trial 360 days.
- Lead Paint Fill in: Birth Date of youngest plaintiff _____.
- Asbestos Events and deadlines set by individual judge.
- Protracted Cases Complex cases designated by the Administrative Judge.

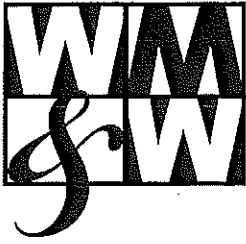
CIRCUIT COURT FOR PRINCE GEORGE'S COUNTY

To assist the Court in determining the appropriate Track for this case, check one of the boxes below. This information is not an admission and may not be used for any purpose other than Track Assignment.

- Liability is conceded.
- Liability is not conceded, but is not seriously in dispute.
- Liability is seriously in dispute.

CIRCUIT COURT FOR BALTIMORE COUNTY

- | | |
|---|---|
| <input type="checkbox"/> Expedited
(Trial Date-90 days) | Attachment Before Judgment, Declaratory Judgment (Simple), Administrative Appeals, District Court Appeals and Jury Trial Prayers, Guardianship, Injunction, Mandamus. |
| <input type="checkbox"/> Standard
(Trial Date-240 days) | Condemnation, Confessed Judgments (Vacated), Contract, Employment Related Cases, Fraud and Misrepresentation, International Tort, Motor Tort, Other Personal Injury, Workers' Compensation Cases. |
| <input type="checkbox"/> Extended Standard
(Trial Date-345 days) | Asbestos, Lender Liability, Professional Malpractice, Serious Motor Tort or Personal Injury Cases (medical expenses and wage loss of \$100,000, expert and out-of-state witnesses (parties), and trial of five or more days), State Insolvency. |
| <input type="checkbox"/> Complex
(Trial Date-450 days) | Class Actions, Designated Toxic Tort; Major Construction Contracts, Major Product Liabilities, Other Complex Cases. |



LAW OFFICES OF
WELTCHEK MALLAHAN & WELTCHEK, LLC

April 10, 2013

CIVIL DIVISION

2013 APR 11 AM 11:49

FILED FOR
COURT CLERK
BALTIMORE CITY

Civil Law Clerk
Circuit Court for Baltimore City
111 N. Calvert Street, Room 462
Baltimore, Maryland 21202

Re: *Lillian Ray v. Sinai Hospital of Baltimore, Inc., et al.*

Dear Clerk:

Enclosed please find an original and one copy of a Complaint and Demand for Jury Trial, as well as a Civil Non-Domestic Cover Sheet, to be filed in the above matter.

Kindly date-stamp the copy and return it to my office in the envelope provided.

Also enclosed is a check, in the amount of \$155.00, for the cost of filing said Complaint. Please issue the appropriate Summonses and forward them to my office for service via private process.

Thank you for your anticipated prompt attention and cooperation in this regard.

Very truly yours,

Nathan W. Hopkins

NWH/rmf
Enclosures